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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

RONALD P. GURITZKY

Defendant.

Adv. Pro. No. 10-04318 (SMB)

**STIPULATION AND ORDER WITHDRAWING DEFENDANT'S COUNTERCLAIMS
WITHOUT PREJUDICE**

Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff ("Madoff") (collectively, the "Debtor"), by and through his counsel, and Defendant Ronald P. Guritzky, (the "Defendant"), by and through his counsel, hereby stipulate and agree to the terms set forth below in this *Stipulation and Order Withdrawing Defendant's Counterclaims Without Prejudice* (the "Stipulation").

RECITALS

WHEREAS, customer claim (# 001049) (the "Claim") having been filed by or on behalf of the Defendant; and

WHEREAS, the Trustee issued a Notice of Trustee's Determination of Claim to Defendant (the "Determination") with respect to the Customer Claim; and

WHEREAS, the Defendant filed an objection to the Determination with the Court (the "Claims Objection"); and

WHEREAS, the Trustee having filed a Complaint against Defendant in the above-captioned action; and

WHEREAS, the Defendant having filed Counterclaims against the Trustee in the above-captioned action (the "Counterclaims").

STIPULATION

NOW THEREFORE, the Trustee and Defendant hereby agree and stipulate as follows:

1. The Defendant hereby agrees by this Stipulation that he immediately withdraws his Counterclaims without prejudice.

2. The Trustee may file this Stipulation in the above-captioned case as evidence of the Defendant's withdrawal of the Counterclaims.

3. Within thirty (30) days after the Court's entry of this Stipulation, the parties shall meet, either in person or by teleconference, and confer on a mediation, discovery and litigation plan as required by the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the "Order") [Dkt. No. 3141] entered by the Bankruptcy Court in the above captioned SIPA liquidation, Adv. Pro. No. 08-01789 (SMB), on November 10, 2010.

4. This Stipulation may not be amended or modified except by further stipulation among the parties hereto.

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Dated as of: June 6, 2014

BAKER & HOSTETLER LLP

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Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

Dated: New York, New York
June 6th, 2014

SO ORDERED:

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE